

WARD NORRIS HELLER & REIDY LLP

ATTORNEYS AT LAW

Heidi S. Martinez
Direct Line: (585) 454-0739
hsm@wnhr.com

300 STATE STREET
ROCHESTER, NEW YORK 14614
585.454.0700
Fax: 585.423.5910

February 12, 2009

Hon. Thomas J. McAvoy
Senior United States District Judge
United States District Court
for the Northern District of New York
Federal Building and U. S. Courthouse
15 Henry Street
Binghamton, New York 13901

Re: Grant v. National Board of Medical Examiners, et al
Civil Case No.: 07-cv-0996 (GJD/TJM)

Dear Judge McAvoy,

I represent the defendants, National Board of Medical Examiners and Federation of State Medical Boards in the above referenced action. I write to request an extension of defendants' time to file their reply in further support of their December 5, 2008 cross motion for summary judgment.

Upon receipt of defendants' cross motion, this Court instructed plaintiff, who appears *pro se*, to file opposing papers, if any, on or before January 6, 2009. On January 11, defendants and the Court received plaintiff's letter request seeking a 90 day extension. The Court granted plaintiff's request in part, and instructed plaintiff to file his opposition papers on or before February 10, 2009.

Plaintiff did not file papers as directed, and it was not until this afternoon at 1:48 p.m., that I received ECF notification that plaintiff had filed papers in opposition to defendants' cross motion. Plaintiff's papers are dated February 11, 2009 and appear to have been received in the Clerk's Office today.¹

Defendants currently must file their reply papers on Tuesday, February 17. I am leaving on a previously scheduled family vacation early tomorrow morning and will not be returning until the evening of February 21. Because plaintiff did not file his opposition on February 10 as directed by the Court, it will be very difficult for me to file

¹ At the conclusion of his memorandum of law, plaintiff states that he "mailed a true copy of the foregoing by postage prepaid first class mail, to all counsel of record." He does not, however, indicate when his papers were served, and I have not yet received copies of any of the papers from the plaintiff himself.

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defendants' reply under the current schedule, without disrupting my vacation. Accordingly, I respectfully request that defendants be given until Wednesday, February 25, 2009 to file their reply in further support of their cross motion for summary judgment. Of course, defendants have no objection to the adjournment of oral argument (currently scheduled for February 27, 2009) to give the Court adequate time to review the parties' papers.

Thank you for your kind consideration of this request.

Very truly yours,

s/Heidi S. Martinez

Heidi S. Martinez

cc: C. Earl Grant (via overnight mail)